

# Transfer of Guardianship Requests Supervisory Job Aid

## Processing the Guardianship Request

The OCM drafts a guardianship request:

The eWISACWIS form *Court Report for Transfer of Legal Guardianship* will be completed in its entirety with particular emphasis on inclusion of the following information:

**Name and address information for both parents** (*Name and address prefill from case maintenance. OCMs must make sure information is up-to-date before opening the court report via “create casework”*).

- As to any “unknown father”, the report must include specific information regarding what questions were asked by IA and OCM about the father, the responses that were provided by the mother as to the father's identity and location, and any follow-up conducted by the BMCW to identify the name and address of the father and the results of those attempts. *These details are documented in Section 5, Question 2 of the Court Report.*
- If a non-custodial father's or mother's name is identified but no current contact information is available, the report must include specific information as to what attempts the BMCW made to locate contact information. *These details are documented in Section 6, Question 2 of the Court Report.*

For additional information related to requirements and tools in locating parents, please see DCF Memo Series 2007-01, *Locating and Involving Non-Custodial Parents, Alleged Fathers, and Other Relatives*: [http://dcf.wisconsin.gov/memos/num\\_memos/2007/2007-01.pdf](http://dcf.wisconsin.gov/memos/num_memos/2007/2007-01.pdf)

**Sufficient evidence is required that neither parent is able/willing to parent now or in the near future.** This information must include services that were offered to the parent by the BMCW, at what times in the case, and the results of those services, if applicable. *These details are documented in Section 5, Question 2 of the Court Report.*

**Licensing explored:** If the proposed guardian is not pursuing licensing, the *Guardianship Screening* form must provide information as to:

- When licensing was explored with the proposed guardian;
- The reasons licensing was not pursued or not granted; and,
- The relative caregiver receiving information that a higher monthly stipend (equal to the foster care payment) may be available through the Subsidized Guardianship program if they are licensed. This would not be available if they are not licensed.

**IMPORTANT:** It is essential to explain that at this time the Subsidized Guardianship payment involves a random selection process. Once the relative, or “Like Kin” is licensed, and has been supplied with all of the permanency options and they choose the subsidized guardianship option, the case is randomly assigned to the Subsidized Guardianship program as in either the experimental or control

group. BMCW's administrative office sends a letter to the caregiver regarding this. Those assigned to the experimental group are eligible to continue to receive the foster care payment as a Subsidized Guardianship payment after the case closes. Cases in the control group are not eligible for the foster care payment after the case closes. They may choose to revert to the lower long-term Kinship Care payment and close the case, or keep the case open and continue to receive the higher foster care payment, if there is no other viable permanency option.

### **Processing Sibling Groups**

When possible, *all* siblings with a TOG permanency plan will have their guardianship request submitted at the same time. When not possible, the guardianship paperwork will include a memo to the Assistant District Attorney's Office explaining why the siblings cannot be processed together. A template for this memo has been created and is available from OCM contracted agencies.

### **Preparing Documents Required by Court**

Along with the *Court Report for Transfer of Legal Guardianship* the OCM submits the following:

#### **For guardianship under long-term Kinship Care payment**

- *Guardianship Screening* form
- *Relative Caregiver Licensing Decision* (DCF -F-2479-E) form signed by the licensing specialist. (Refer to procedure OCM 27.00, *Transfer of Legal Guardianship Under Wis. Stat s 48.977 (4) (e)* for the times when this form is not needed).
- Memo explaining why another sibling/s with a TOG permanency plan cannot be processed with the sibling whose request is being submitted, if applicable. (See above.)

#### **For guardianship with Subsidized Guardianship payment**

- *Guardianship Screening* form
- *Subsidized Guardianship Agreement* signed by the BMCW representative, and the proposed guardian
- *Licensing Agency Letter*: indicating that the license of the caregiver/proposed guardian is in good standing and the licensing agency supports the subsidized guardianship.
- *Adoption Notification* form
- Memo explaining why another sibling/s with a TOG permanency plan cannot be processed with the sibling whose request is being submitted, if applicable (See above)

The supervisor will review the court report specifically for adequacy of the above-information and attachments before approving. If any piece of the above information is not yet available, the supervisor will not approve the court report.

## **Submitting Documents to the Assistant District Attorney's Office**

- The OCM/supervisor will submit the guardianship paperwork as detailed above to the ADA's office via the court liaison.
- The court liaison will screen the request for inclusion of adequate information and forms, consistent with paragraph 1, above.
- Any request that does not include the necessary information and forms will be held by the court liaison until such information is provided.
- The court liaison will keep a copy of any submission, whether or not it is complete, in the ADA's family file.
- The liaison will also hold any request for TOG made while the proposed guardian is pursuing licensing, so that the BMCW may enter the child in the random selection process for subsidized guardianship when the licensing process is completed.

NOTE: If there is a subsequent decision to not pursue a TOG, the OCM must notify the court liaisons and ADA's office immediately. A template memo has been created and is available for this purpose from the OCM contract agency.

## **Processing by ADA's Office**

- The ADA's office will, within 30 days of receipt of a completed request by the reviewing ADA, inform the OCM and supervisor of the results of the review, and the need for any additional information or questions, if applicable.
- When the submitted information is complete and sufficient and the ADA's office has determined that the legal standards for guardianship approval can be met in court, the ADA's office will request the court liaison to prepare a form petition and order on behalf of the BMCW and ADA's office. ADA staff will submit the filings to the Clerk's office and provide legally sufficient notice of the court hearing to the necessary parties pursuant to law.
- The ADA's office and court liaison will maintain a database or case processing record including all BMCW requests for guardianship, where those request are in the process of approval and make that information available to the court liaisons and other BMCW staff as requested.

## **Finalization of Order**

An ADA will appear in court to litigate the guardianship request, and when approved by the court, the ADA will submit the prepared order to the court for signature. The ADA will have enough copies of the order to provide the OCM and guardian with a signed copy at this hearing.